

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda February 26, 2013 7:00 P.M.

Call to Order/Roll Call of Council Members – **All Present**

- **Also present were:**
 - **Carlos Hernandez, Mayor**
 - **Marbelys Fatjo, Acting City Clerk**
 - **William Grodnick, City Attorney**

Invocation given by Marbelys L. Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Katharine E. Cue-Fuente

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations – Mayor Hernandez congratulated Marla Alpizar, Director of the Department of Communications and Special Events and her staff for their efforts in organizing Art on Palm.

- (1) Presentation of a plaque to Mayor Carlos Hernandez by Jorge Moreno and Arlet Gonzalez, Members of the Key Club of Hialeah Senior High School, for his continued support.
- (2) Award of Merit presented by Mayor Carlos Hernandez and Council for the 2013 Jose Marti Parade Essay Contest to the following recipients: Lisandra Cabrera (Mater Academy Charter), Ernesto Canela (Hialeah Miami Lakes Senior High), Chabely Carrasco-Reyes (Mater Academy Charter), Maria Perez (Hialeah Miami Lakes Senior High), Yohanet Perez (Mater Academy Charter), Lianet Rosado (Mater Academy Charter), Ivette Sanchez (Hialeah Gardens Senior High).
- (3) Monetary award for the 2013 Jose Marti Parade Essay Contest presented by the following institutions: Masones, Caballeros Catolicos, Kwanis, and Lions Club to the following recipients: Lisandra Cabrera (Mater Academy Charter), Ernesto Canela (Hialeah Miami Lakes Senior High).

Lakes Senior High), Chabely Carrasco-Reyes (Mater Academy Charter), Maria Perez (Hialeah Miami Lakes Senior High), Yohanet Perez (Mater Academy Charter), Lianet Rosado (Mater Academy Charter), Ivette Sanchez (Hialeah Gardens Senior High).

1. Announcement of Amendments/Corrections to the Agenda – **Item G was added to the Agenda.**
2. Consent Agenda –

Motion to Approve the Consent Agenda, except item G, made by Council Vice President Gonzalez and seconded by Councilman Caragol - Motion passed 7-0.

- A. Report of Scrivener's Error – The line item transfers for the General Fund shown were incorrect. The correct adjustments to the current appropriations are as follows: *Increase* of \$65,308.00 in Account No. 001.0202.321.250 with Account Name "Bus. Tax-Amusement-Decal Fee and a *decrease* of \$32,654.00 in Account No. 001.3130.572.620 with Account Name "Capital Outlay". **APPROVED (7-0)**
- B. Proposed resolution authorizing the placement of Property Insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, insuring city property, including, but not limited to, buildings, contents, property, equipment, and vehicles, for an annual premium of \$746,836.19 commencing on March 10, 2013 and expiring on March 10, 2014 for Layered Insurance Coverage with Insurance Companies of a combined and total maximum loss limit of \$7.5 million against damages caused by natural disasters and \$12.5 million against damages caused by all other perils, and a 5% deductible for a named Windstorm and Hail Storm, subject to a \$250,000.00 deductible and to place city's required Flood Coverage on necessary properties in accordance with the National Flood Program at Appropriate Renewal Periods; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-14**
- C. Request permission to issue a purchase order to Ten-8 Fire Equipment, Inc., sole source vendor, for the repair and maintenance of the 1995 Pierce Ladder Truck, for a total cumulative amount not to exceed \$40,000. (FIRE DEPT.) **APPROVED (7-0)**
- D. Request permission to increase purchase order # 2013-673, since it is advantageous to the City, issued to Image First Health Care Laundry Specialists, for the laundry / linen services to Fire Stations, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$35,000. (FIRE DEPT.) **APPROVED (7-0)**
- E. Request permission to utilize Florida Sheriffs Association Bid #11-10-1202, and issue a purchase order to Hall-Mark Fire Apparatus, Inc., to purchase an Incident Response Haz-Mat vehicle, specialized mission, CBRNE, AEL #12VE-00-MISS, for a total cumulative amount not to exceed \$599,000. (FIRE DEPT.) **APPROVED (7-0)**
- F. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Action Cleaning Services, for Construction Cleaning at Milander Auditorium, for a total

cumulative amount not to exceed \$30,825. (GRANTS & HUMAN SERVICES DEPT. AND CONSTRUCTION & MAINTENANCE DEPT.) **APPROVED (7-0)**

- G. Proposed resolution approving the third amendment to the Professional Services Agreement to MV Contract Transportation, Inc. and in furtherance thereof, authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City to enter into a third amendment to the Professional Services Agreement, a copy of which is attached hereto and made a part hereof as composite Exhibit "1". **APPROVED (6-0)** **RESOLUTION NO. 2013-15** (*IGM was not present in the Council Chamber during the vote*).

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente - Motion passed 6-0.

3. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to enter into a Loan Agreement with TD Bank, N.A., providing for a loan from TD Bank, N.A. to the city in an amount not to exceed \$15,000,000 to provide Bridge Financing for the city's payments for its Employee Retirement Plan, in a form acceptable to the City Attorney, providing for the sale and issuance of the city's Tax Anticipation Note, Series 2013, in the principal amount not to exceed \$15,000,000 in substantially the form attached to said Loan Agreement; awarding such note to TD Bank, N.A. by Negotiated Sale; designating such note as "City of Hialeah Tax Anticipation Note, Series 2013"; providing a Covenant to Budget and appropriate from all the city's legally available revenues of the city, including, but not limited to, Ad Valorem Taxes, and providing for a pledge of and lien on the city's Ad Valorem Tax Revenues, as security for the repayment of the note and interest thereon; delegating to the Mayor the authority to finalize the terms and conditions of the note including, without limitation, the maturity date, principal amount and interest rate thereon; authorizing the expenditure of not to exceed \$20,000 for bank attorney's and bank administrative fees; and further authorizing the execution of any and all documents in furtherance therewith; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)** **ORDINANCE NO. 2013-10**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

4. Board Appointments – **None**
5. Unfinished Business – **Council President Garcia-Martinez reminded everyone present that March 1, 2013 is the deadline to apply for the homestead exemption for seniors.**
6. New Business – **Mayor Hernandez recognized the newly appointed Acting Director of the Office of Management Budget, Ines Beecher.**
7. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow the consumption of beer and wine on the premises in a restaurant located on property zoned M-2 (Industrial District), where beer and wine consumption in a restaurant is not allowed, contra to Hialeah Code § 98-1411(A)(1). **Property located at 3621 N.W. 54 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Nelida Morejon*) **(Item was tabled on 2/12/2013 at the request of the applicant.) APPROVED (7-0) ORDINANCE NO. 2013-11**

Motion to remove from table made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz - Motion passed 7-0.

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

PZ 2. Second reading and public hearing of proposed ordinance rezoning 73.25 acres of land from GU (Interim District) to Residential Development District, having a minimum of 25% developed as RH-1 (One Family District), a minimum of 20% and a maximum of 30% developed as R-4 (Townhouse), maximum of 20% developed as RH-3-M (Multiple Family District, 8 to 14 units per net acre) and a maximum of 10% developed as R-3-MM (Multiple Family District, 15 to 24 units per net acre); substituting the requirements of the Residential Development District by approving the Site Plan dated December 19, 2012 and Pattern Book prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, and by approving the Landscape Plan dated September 21, 2012 prepared by Witkin Hults Design Group; Reaffirming Declaration of Restrictions dated August 14, 2007 and the obligation to pay the city the sum of \$500,000 to be used for Roadway Improvements; releasing the Declaration of Restrictions dated June 8, 2006, as recorded in Official Records Book 24645, Pages 2648-2655. of the Miami-Dade County Public Records and the Declaration of Restrictions dated November 10, 2006, as recorded in Official Records Book 25127, Pages 4785-4792, of the Miami-Dade County Public Records and cancelling the same of record; and granting a Variance Permit to allow a Temporary Waiver of Plat, provided that the property will be replatted in 18 months from the grant of the waiver; and repealing and rescinding Hialeah, Fla., Ordinance 06-31 (May 26, 2006) and Hialeah, Fla., Ordinance 06-80 (Nov. 16, 2006); **property located on a vacant parcel of land on the South side of NW 146 Street and the North side of NW 139 Street, East of NW 97 Avenue and West of the I-75 Expressway, Hialeah, Florida.** Repealing all ordinances or

parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Bellagio Lennar LLC, A Florida Limited Liability Company*) **APPROVED (7-0) ORDINANCE NO. 2013-12**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

- PZ 3.** Second reading and public hearing of proposed ordinance granting a Variance Permit to allow 20 parking spaces, where at least 27 are required, of which 5 spaces will be on street parking, allow a 4.5 foot front setback, where 20 feet are required, allow no rear setback, where 15 feet are required, and allow 9.7% of landscaped area, where a minimum 18% landscaped area is required, contra to Hialeah Code §§98-1115, 98-1117, 98-2189(7), 98-2192(b) and 98-2233, on property zoned C-2 (Liberal Retail Commercial District). **Property located at 2464 – 2488 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 2488 Palm Avenue, LLC*) **APPROVED (7-0) ORDINANCE NO. 2013-13**

Motion to approve made by Councilwoman Cue-Fuente and seconded by Council Vice President Gonzalez - Motion passed 7-0.

- PZ 4.** Second reading and public hearing of proposed ordinance approving a Final Plat of Mai Guira Subdivision, accepting all dedication of Avenues, Streets, Roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 8275 West 12 Avenue, Hialeah, Florida.** (*Applicant: Mai Guira Inc.*) **APPROVED (7-0) ORDINANCE NO. 2013-14**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

- PZ 5.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow an Adult Congregate Living Facility (ACLF) with a maximum bed capacity of 34 and granting a Variance Permit to allow a lot coverage of 36.7%, where a maximum lot coverage of 30% is allowed, to allow 5 parking spaces, where at least 11 parking spaces are required, to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density Residential Districts, to allow a rear setback of 15 feet, where 20 feet are required, and to allow a South side setback of 2.3 feet, where 10 feet are required, contra to Hialeah Code §§ 98-590, 98-591, 98-2056(b)(2), 98-2189(21) and 98-2190. **Property located at 1315 Southeast 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre – 7600 West 20 Avenue, Suite 220, Hialeah, Florida 33016*) (*Item was tabled on 2/12/2013 at the request of the applicant.*) **APPROVED (7-0)**

Motion to remove from table made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

- PZ 6.** First reading of proposed ordinance granting a Variance Permit to allow a single family home on a substandard-sized lot having a width of 42.49 feet, where a minimum average width of 75 feet is required, a total area of 5,879 square feet, more or less, where a total area of at least 7,500 square feet is required and a corner side setback of 10 feet, where 15 feet are required, contra to Hialeah Code §§ 98-499 and 98-501. **A vacant lot` located at the Northeast corner of the intersection between West 2 Avenue and West 33 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: ECO Hialeah, LLC c/o Eugenio Lage – 7811 Coral Way, Suite 100, Miami, Florida*) **(Item was tabled on 2/12/2013 at the request of the Council).** **APPROVED (7-0)**

Motion to remove from table made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz - Motion passed 7-0.

Motion to approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

- PZ 7.** First reading of proposed ordinance rezoning from R-1 (One Family District) to P (Parking District) according to a Site Plan prepared by Tirso P. Martinez, R.A. and submitted with the application and granting a Variance Permit to allow a Landscape Buffer of 4 feet along the street frontage, contra to Hialeah Code §98-1617, on property zoned P (Parking District). **Property located at 374 West 35 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Tirso P. Martinez, R.A.*) **APPROVED (7-0)**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 7-0.

- PZ 8.** First reading of proposed ordinance granting a Variance Permit to allow a Single Family Home on a Substandard-Sized Lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,375 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-499. **A Vacant Lot located at the Northeast corner of the intersection between West 8 Avenue and West 33 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lenox Real Estate Developers, LLC, c/o Maria Elena Toledo & Alberto Gonzalez*) **APPROVED (6-1) IGM VOTED “NO”**

Motion to approve made by Councilman Caragol and seconded by Councilwoman Lozano - Motion passed 6-1.

- PZ 9.** First reading of proposed ordinance granting a Variance Permit to allow a Pylon LED Sign on property Zoned C-1 (Restricted Retail Commercial District) outside the geographic area where LED Signs are permitted, a distance of less than 300 feet from property zoned Residential, where a minimum 300 feet is required; contra to Hialeah Code §§ 74-149 (B) and 74-149 (E). **Property located at 4800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: City of Hialeah*) **APPROVED (7-0)**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilman Hernandez - Motion passed 7-0.

LAND USE

- LU 1.** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial to Medium Density Residential; **Property located at 34XX West 80 Street, Hialeah, Florida,** zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Paraiso Gardens, LLC*) **APPROVED (6-1) VCM VOTED “NO” ORDINANCE NO. 2013-15**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilman Caragol - Motion passed 6-1.

- LU 2.** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial to High Density Residential; **Property Located North of West 78 Street, between West 24 Avenue and West 25 Avenue, Hialeah, Florida,** zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Palm West Park Apartments, LLC*) **APPROVED (6-1) VCM VOTED “NO” ORDINANCE NO. 2013-16**

Motion to approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente - Motion passed 6-1.

NEXT CITY COUNCIL MEETING: March 12, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).